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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK and developments relating thereto from 16 January to 15 April 2017.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo, in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Political and security developments

3. The reporting period was marked by developments that did little to ease the strained relations between Belgrade and Pristina. Throughout, UNMIK continued to use its good offices to defuse tensions and promote consensual solutions to problems on the ground, especially in multi-ethnic communities throughout Kosovo.

4. A publicly declared proposal to transform the Kosovo Security Force into an armed force, through legislative amendment rather than constitutional change, sparked controversy. The initiative featured the endorsement on 14 February by the Assembly of Kosovo of a resolution calling upon the government to submit to the Assembly as soon as possible a strategy for the transformation. Subsequently, on 7 March, the President of Kosovo, Hashim Thaçi, submitted to the Assembly a draft law for the transformation of the Kosovo Security Force into "an armed professional military force" and threatened to resign were it not endorsed by the Assembly. The initiative was met by strong opposition from Kosovo Serbs, Belgrade and the international community, in particular the United States of America and the North Atlantic Treaty Organization (NATO). In a statement issued on 8 March, the

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Secretary-General of NATO, Jens Stoltenberg, in referring to the proposed transformation of the Kosovo Security Force into an armed force without a constitutional change, noted that "unilateral steps such as these are unhelpful" and urged the Kosovo authorities to remain "in close contact with Belgrade" on the issue. The same day, the United States Embassy in Pristina issued a statement in which it stressed that any transformation should be made "in accordance with the Kosovo Constitution and through an inclusive and representative political process that reflects Kosovo's multi-ethnic democracy".

5. On 14 March, the President of Kosovo declared that the transformation would be undertaken in coordination with the international partners of Kosovo and that there would be "no unilateral action". In a letter to the NATO Secretary-General and NATO member States published in local media the same day, he also pledged that the transformation would occur "in a transparent and inclusive manner", while stressing that Kosovo, as a sovereign State, had the right to establish a defence force. On 7 April, he announced that he was withdrawing his draft law until the Kosovo institutions had secured the support of all for the constitutional changes required for the transformation.

6. On 1 March, the government of Kosovo issued a decree to appropriate immovable property with ownership registered to State, administrative, military bodies and social-political organizations of the Socialist Federal Republic of Yugoslavia, the Republic of Yugoslavia, the Socialist Republic of Serbia, the Republic of Serbia and the Socialist Autonomous Province of Kosovo. The Government of Serbia described the initiative as a provocation, stressing that it was "completely illegal and unacceptable", and on 17 March issued a decision in which it declared the decree null and void.

7. On 7 April, Daut Haradinaj, a member of the Assembly of Kosovo from the opposition party Alliance for the Future of Kosovo (AAK) and the brother of the AAK leader and former Prime Minister of Kosovo, Ramush Haradinaj, who is being held in France pending a decision by the French courts on whether to extradite him to Serbia (see paras. 19 and 41), threatened war and an "ethnically clean Kosovo", should his brother be transferred to Belgrade. His statements drew strong condemnation from the international community and from the President of Kosovo. UNMIK issued a communiqué in which it stated that "using hate speech to threaten ethnic cleansing is unacceptable, and a cause for serious concern". Subsequently, AAK endeavoured to clarify the statements, stressing that they were "not a call for ethnic cleansing, but rather an alarm against Serbia's continued provocations towards Kosovo". Nonetheless, the statements have, by most accounts, caused serious alarm within the Serb community in Kosovo.

8. On 27 March, members of the Kosovo Serb political grouping Gradjanska Inicijativa Srpska Lista resumed their participation in official activities of the Assembly and the government of Kosovo, ending their five-month boycott, which had followed the Assembly's adoption of a law on the Trepca mining complex. They explained their decision to return as being intended to move forward the long-delayed discussions on the establishment of the Association/Community of Serb-majority municipalities in Kosovo.

9. On 4 March, the European Union High Representative for Foreign Affairs and Security Policy, Federica Mogherini, paid an official visit to Kosovo as part of a regional tour of the western Balkans. She reiterated that the European Union would provide visa-free Schengen area travel to the population of Kosovo only after the ratification of the agreement on territorial delineation with Montenegro and demonstrated progress in efforts to combat organized crime and corruption. The

border demarcation agreement remains blocked in the Assembly, owing to the inability of the governing coalition to secure sufficient votes for ratification.

10. On 12 April, my Special Representative met the Foreign Affairs Committee of the Assembly of Kosovo, which includes representatives of all Kosovo-Albanian parties in the Assembly, as well as a member of the group of minority community representatives. The meeting proved a valuable opportunity to discuss the mandate and activities of UNMIK, with a focus on how the Mission continues to assist the institutions and population of Kosovo.

11. The Prime Minister of Serbia and candidate of the ruling Serbian Progressive Party (SNS), Aleksandar Vučić, was elected as the new President of Serbia, having secured an outright victory in the first round of voting, held on 2 April. Voting was conducted throughout Kosovo, with turnout reported to be 39 per cent.

12. No security incidents were reported in connection with the voting or the collection or transportation of votes in Kosovo. Before the election, however, groups of Kosovo Albanians blocked multiple roads throughout Kosovo in efforts to prevent Kosovo Serbs from attending an election rally organized by SNS in Leposavić/Leposaviq, northern Kosovo (see para. 16). The roadblocks were condemned by the President, representatives of the Government of Serbia, the European Union and my Special Representative, who called for the right of freedom of movement and the rights of assembly and freedom of expression to be respected.

III. Northern Kosovo

13. Tensions in relation to a contested retaining wall at the northern end of the main bridge in Mitrovica, as detailed in my previous report to the Council (S/2017/95/Rev.1), swiftly dissipated following the negotiated settlement of 4 February to redesign the feature, endorsed by the mayor of North Mitrovica and the Kosovo Minister of Environment and Spatial Planning. The original wall was demolished on 5 February; reconstruction work on a new structure in line with the European Union-facilitated agreement on freedom of movement across the bridge began immediately and were continuing at the time of reporting.

14. On 11 April, my Special Representative visited the Mitrovica region, where he held talks with the mayors of North and South Mitrovica on a wide range of issues, including the continuing construction and planned inauguration of the bridge. Both mayors expressed willingness to cooperate with each other on issues of common concern.

15. There were no major security incidents in northern Kosovo during the reporting period. Nevertheless, the first fortnight of April witnessed an increase in potentially ethnically motivated physical assaults in the Mitrovica region, with at least five such cases reported to the Kosovo police. The ethnicity of the complainants in the incidents varied; investigations were continuing at the time of reporting.

16. The Serbian presidential candidate and then Prime Minister, Aleksandar Vučić, declined to accept the conditions set by the Kosovo authorities for his participation in a political rally by SNS, which was held on 29 March in Leposavić/Leposaviq, and consequently did not attend the event. The main speaker was the deputy leader of SNS and Director of the Government of Serbia Office for Kosovo and Metohija, Marko Đurić.

17. During the Serbian presidential election, OSCE supported the operation of six collection centres in the northern municipalities, along with 14 centres in Serb-

inhabited areas in other parts of Kosovo. Voter turnout in northern Kosovo was reported to have been 73 per cent, with Aleksandar Vučić securing 77 per cent of the votes cast.

IV. Relations between Pristina and Belgrade

18. During the reporting period, the European Union High Representative for Foreign Affairs and Security Policy convened two high-level meetings, on 24 January and 6 February, within the framework of the European Union-facilitated dialogue between Belgrade and Pristina. The meetings were attended by the Presidents of Serbia and Kosovo, Tomislav Nikolić and Hashim Thaçi, and their respective Prime Ministers, Aleksandar Vučić and Isa Mustafa. The main public outcomes were agreements from both parties to refrain from inflammatory statements and bellicose rhetoric.

19. On 9 March, in protest against the continuing detention by the French judicial authorities of Ramush Haradinaj, the Assembly of Kosovo adopted a resolution in which it called for the suspension of the European Union-facilitated dialogue until Mr. Haradinaj had been released. Although the resolution is not binding, subsequent statements of support for it were made by senior Kosovo politicians. In a statement, the spokesperson of the European Union High Representative noted that the call for a suspension of the dialogue "does not contribute to a normalization of relations and is not in line with the commitments continuously made by Kosovo".

20. The practical implementation of dialogue agreements was extremely slow during the reporting period. No specific steps were taken towards the establishment of the Association/Community of Serb-majority municipalities in Kosovo, while steps towards completing judicial integration in northern Kosovo were delayed.

21. On 19 March, a bus travelling from Kosovo was stoned in the town of Kruševac, central Serbia. On 21 March, the Ministry of Foreign Affairs of Kosovo sent a note verbale to the European Parliament in which it claimed that attacks against Kosovars were becoming "systematic" and "threatening the agreement on freedom of movement signed between Kosovo and Serbia as part of the Brussels dialogue".

V. Returns, reconciliation, community relations and cultural heritage

22. During the first quarter of 2017, the Office of the United Nations High Commissioner for Refugees recorded 90 voluntary returns to Kosovo by members of non-majority communities, most of them members of the Roma-Ashkali-Egyptian community. The Office estimates that, at the end of March 2017, the total number of internally displaced persons living in Kosovo stood at 16,463, a reduction of 94 compared with the previous reporting period. Of those, 54 per cent were Serbs, 42 per cent Albanians and 3 per cent members of the Roma-Ashkali-Egyptian community. Of the displaced persons, 85 per cent were located in the Mitrovica area.

23. Following previous incidents of obstruction of returns in the municipalities of Suharekë/Suva Reka and Deçan/Dečani, on 1 April some 300 Kosovo Albanians protested in the village of Lubozhdë/Ljubožda, in the municipality of Istog/Istok, against the return of 13 Serbian families to the village. They expressed concern about the potential returnees, whom they accused of involvement in war crimes. In response, the adviser to the mayor of Istog/Istok on Kosovo Serb issues publicly

stated that all returnees had been vetted by the Kosovo and Serbian authorities and that none were the subject of claims, indictments or trials. In a separate incident, a house belonging to a Kosovo Serb displaced family currently residing in central Serbia, which has been under construction in the village of Dragolec/Dragoljevac, in the municipality of Istog/Istok, as part of the European Union-funded housing project on return and reintegration in Kosovo, was the target of an arson attack during the night of 2 April.

24. On 9 March, the Basic Prosecution of Pejë/Peć filed an indictment against a municipal officer who had allegedly disrupted an organized visit by Montenegrin and Serb prospective returnees to Deçan/Dečani in December 2016. The municipal officer was charged with inciting hatred, discord or intolerance based on national, racial, religious or ethnic grounds. It is an issue of concern that the Deçan/Dečani police commander, who had received praise for his diligent and objective response to the incident, has since been downgraded and transferred to traffic duties in the Gjakovë/Đakovica region.

25. On the occasion of International Romani Day (8 April), the government of Kosovo announced the adoption of a strategy and action plan for the inclusion of Roma and Ashkali communities in Kosovo society, covering the period 2017-2021. The plan is aimed at promoting the rights of those communities, including full access to education, employment, health and housing services. The Kosovo Egyptian community chose not to be included in the strategy.

26. In several public, educational and cultural institutions, as well as government offices in Kosovo, language laws for the protection of the non-majority communities are not being implemented as postulated. In Albanian-majority areas, Serbian-language street and town names on bilingual public signs continue to be vandalized and painted over, just as Albanian-language signs are often defaced in Serb-majority areas. The University of Pristina, which is the largest tertiary education institution in Kosovo, offers no Serbian language programmes; its offices and libraries display signs in Albanian and English only. Similarly, the university in North Mitrovica offers no Albanian-language programmes or services.

27. Throughout the reporting period, UNMIK worked cooperatively with the Kosovo authorities to reinforce their capacity to ensure the protection of cultural and religious heritage, including through the adoption of relevant legislation. On 6 February, my Special Representative met the most senior official of the Serbian Orthodox Church in Kosovo, Bishop Teodosije, to discuss the full range of current issues currently affecting the Church and its relations with local authorities and communities.

28. Concerns remain about the inconsistent implementation by Kosovo institutions of legal obligations pertaining to cultural and religious heritage. The Deçan/Dečani municipal authorities continued to obstruct the ruling of the Kosovo Constitutional Court of May 2016 that confirmed that 24 ha of disputed land around the Visoki Dečani Orthodox Monastery were the legal property of the Monastery. The ruling is binding on all parties, final and not subject to appeal. No action has been taken against those obstructing the ruling. At an extraordinary session on 10 April, the Deçan/Dečani Municipal Assembly voted unanimously to reject the decision of the Kosovo Privatization Agency to return the land to the Monastery.

29. On 28 March, the European Union Special Representative in Kosovo convened a meeting of the Implementation and Monitoring Council. It was the first meeting of the Council since August 2016, an interruption resulting from disagreement between the Ministry of Culture, Youth and Sport and the Serbian Orthodox Church concerning the former's rejection of the Church's request for a permit to reconstruct the Church of Saint Nicholas in the Holy Archangels Monastery, near Prizren. It is

crucial that the Council function as envisaged, given that it is the primary mechanism under Kosovo law for addressing planned and actual contraventions of the law on the special protective zones.

30. UNMIK began to implement 20 confidence-building projects designed to foster inter-community trust and confidence throughout Kosovo by supporting specific, targeted initiatives of non-governmental organizations and civil society. They include the establishment of a resource centre for families of missing persons, initiatives aimed at overcoming prejudices among young Kosovo Serbs and Kosovo Albanians and uniting communities through the arts.

31. On 15 March, UNMIK organized and hosted a Global Open Day on Women and Peace and Security event entitled "The role of women in reconciliation: building peace and security in Kosovo". Participants, who included women leaders from a broad spectrum of society, including politicians, civil society activists and journalists, identified three key areas of concern: lack of trust in local decision makers deriving from a lack of accountability; inadequate reparation policies for victims of conflict-related sexual violence; and persistent aggressive political messaging that undermines local reconciliation initiatives. The occasion was part of a continuing series of events being organized by UNMIK to advance societal reconciliation.

VI. Human rights and the rule of law

32. Kosovo remains comparatively unaffected by the refugee and migration crisis in the western Balkans. Thirty-five persons requested asylum in Kosovo during the first quarter of 2017, of whom only 7 remain in Kosovo, waiting for their claims to be processed.

33. The number of unresolved cases of missing persons increased to 1,664, with the International Committee of the Red Cross opening 4 new cases during the reporting period. On 2 March, a set of human remains was exhumed in the village of Lashkobare/Laškobare, in the municipality of Ferizaj/Uroševac, and on 23 March, five sets were exhumed in Prizren. Furthermore, a set of human remains was exhumed in the village of Polac/Poljance, in the municipality of Skenderaj/Srbica, on 11 April. All the remains are in the process of identity confirmation. On 16 February, the Commissions on Missing Persons of the Governments of Serbia and Kosovo cooperated to excavate a suspected mass grave at the site of the destroyed North Mitrovica mosque; however, no human remains were found. On 1 March, the joint working group on persons unaccounted for in connection with events in Kosovo held a session in Belgrade, which was focused on reviewing the achievements of and challenges faced by the working group since its establishment in 2004 and on developing an action plan for the group. UNMIK attended as a member of the Pristina delegation.

34. Further to the recommendations of the International Human Rights Working Group, a group of international partners supporting human rights in Kosovo and the Office of the Ombudsperson, the Prime Minister established and, on 20 February, chaired the first meeting of an inter-ministerial coordination group on human rights, which is envisaged to serve as the main coordinating body for human rights issues in Kosovo.

35. On 13 February, the President held the first consultative meeting on the establishment of a truth and reconciliation commission in Kosovo. He emphasized that the commission should not replace judicial processes or the European Union-facilitated dialogue between Pristina and Belgrade, but should serve as a support

mechanism to open an internal dialogue on the past between the communities in Kosovo and create a sound basis for reconciliation. A second meeting was convened on 1 March, with the participation of civil society, including representatives of the associations of Kosovo Albanian and Kosovo Serb families of missing persons.

36. On 4 April, Naser Makolli, a key witness in the death in custody in November 2016 of a member of the opposition party Vetëvendosje ("Movement for Self-Determination"), Astrit Dehari, also died in custody. The Ministry of Justice issued a statement in which it indicated that he had died at the Lipjan/Lipljan Family Medicine Centre, to which he had been transferred as a result of health problems. Vetëvendosje representatives, however, expressed suspicion concerning the death.

37. On 7 February, the EULEX Head of Mission appointed 19 judges to the roster of international judges who will serve at the Kosovo Specialist Chambers. At their first plenary session in March, the judges adopted two documents of significant relevance to the functioning of the Chambers: a code of judicial ethics and rules of procedure and evidence. The former regulates the professional standard applicable to judges and provides for disciplinary measures in cases of misconduct. The latter are aimed at enhancing the fairness, expeditiousness, efficiency, integrity and security of the proceedings before the Chambers. In particular, they emphasize the protection of witnesses, victims and other persons at risk for their testimony or cooperation with the Chambers.

38. On 16 February, the appellate court in Pristina revoked the judgment of 21 January 2016 of the Basic Court of Mitrovica in the case *Oliver Ivanović et al.* It held that the Basic Court had violated criminal procedures when finding Mr. Ivanović, a prominent Kosovo Serb politician, guilty of "war crimes against the civilian population" in connection with the events of 14 April 1999. The case was returned to the Basic Court; the retrial began on 24 March.

39. On 27 February, the Kosovo Specialist Prosecutor's Office filed an indictment against a Pristina-based imam for inciting the commission of terrorist acts and inciting hatred, discord or intolerance on national, racial, religious or ethnic grounds. On 13 March, it filed an indictment against a defendant for organization and participation in a terrorist group, namely participation in the activities of Islamic State in Iraq and the Levant from July to November 2014.

40. On 30 March, Italian law enforcement services in Venice arrested four persons whom they suspected of planning a terrorist attack in the city. Subsequently, three persons from Kosovo had their Italian residence permits revoked and were repatriated on suspicion of supporting terrorist activities.

41. The French courts, citing the need for additional information, twice postponed a ruling on whether to extradite the leader of the opposition party AAK and former Prime Minister, Ramush Haradinaj, to Serbia, following the issuance of an arrest warrant by Serbia through the International Criminal Police Organization (INTERPOL) for his alleged involvement in war crimes committed in Kosovo in 1998 and 1999. The President of Kosovo described the postponement as unjust and accused Serbia of manipulating international justice.

VII. Partnerships and cooperation

42. My Special Representative continued to work in close coordination with the KFOR Commander, the European Union Special Representative, the Head of EULEX and the Head of the OSCE Mission in Kosovo, including through regular meetings of heads of missions and diplomatic offices. Coordination mechanisms were also established at the working level, with a focus on thematic areas. In

addition, my Special Representative continued to engage constructively with political leaders in Pristina and Belgrade, community leaders, parliamentarians and civil society representatives.

43. As part of his continuing efforts to engage with a wide range of local leaders, my Special Representative has visited more than 20 municipalities to date. On 23 and 30 March, he had productive discussions with the mayors of Gjilan/Gnjilane and Pristina, respectively, along with their municipal leadership teams. Discussions addressed issues of importance for the stability and socioeconomic progress of the municipalities, including the prevention of radicalization and violent extremism. Both mayors expressed appreciation for the continuing support received from and cooperation with the United Nations, including the work of UNMIK to benefit inter-community relations.

44. On 5 April, the successful completion of the European Union project on confidence-building through cultural protection, initiated by UNMIK and implemented jointly by EULEX and the United Nations Development Programme, was marked with a ceremony in Ferizaj/Uroševac. The one-year project was intended to enhance the operational capacity of the Kosovo police special unit for cultural protection through the provision of training and equipment. In addition, 17 sites of religious and cultural significance were rehabilitated as part of the project, including the Partizan monument and the surrounding park in Kamenicë/Kamenica and religious buildings and facilities in Ferizaj/Uroševac, Gjilan/Gnjilane, Lipjan/Lipljan and Rahovec/Orahovac.

45. Significant progress was achieved towards the establishment of a western Balkans regional youth cooperation office, to be headquartered in Tirana. Kosovo ratified the agreement on the establishment of the office on 30 March, thereby gaining access to regional funds for advancement of the youth, peace and security agenda, as envisaged in the framework of the Berlin process.

46. UNMIK continued to provide document certification services. A total of 421 documents were processed during the reporting period, comprising 214 relating to pensions and 207 to civil status, such as high school documents, university diplomas and marriage, birth and death certificates. UNMIK also continued to facilitate liaison between the Kosovo authorities and INTERPOL. I am pleased to confirm that the Kosovo authorities are complying with agreed procedures for liaison with INTERPOL through UNMIK. During the reporting period, UNMIK received 23 requests for the issuance of international wanted notices against 71 individuals; 34 Red Notices were published and 1 was cancelled.

VIII. Observations

47. I am concerned about the prevalence of obstacles inhibiting progress in the Belgrade-Pristina dialogue and in the implementation of the agreements reached within the framework of the dialogue. The European Union-facilitated dialogue is the best available mechanism for the peaceful resolution of differences, to the benefit of both sides. While leaders in both Pristina and Belgrade have verbally reaffirmed their commitment to continuing the dialogue, specific steps forward have become infrequent. Progress, for each party, can be achieved only by peaceful means and, regardless of electoral cycles and daily politics, I hope that we will soon see a more consistent and sustained effort.

48. The rise of ethno-nationalist sentiments is a cause for serious concern. Words and actions that fuel ethnic divides do nothing to improve the lives of the people or to bring stability to the region. I call upon all parties to act responsibly, and I

commend those political and community leaders who act as positive role models and help to diminish inter-community tensions.

49. It is encouraging that Kosovo Serbs were able to participate in Serbian presidential election without obstruction or incident on the day of voting. I congratulate the Serbian and Kosovo electoral institutions for creating suitable conditions for the smooth conduct of the election in Kosovo, with comprehensive support provided by OSCE. Security providers, including Kosovo police and KFOR, played a major positive role in ensuring this success.

50. Regrettably, the process of peaceful returns continued to face resistance at the local level in Kosovo, with the obstruction of returns in the Istog/Istok region. I call upon political leaders to make more proactive efforts to diminish this resistance and to prevent false narratives from clouding perceptions and distorting facts. While prospective returnees are known and checked by the Kosovo authorities in advance, some officials continue to behave irresponsibly, fuelling unfounded rumours about returnees' involvement in crimes during the conflict.

51. I remind all parties that, the years of work notwithstanding, the fate of too many missing persons from the conflict remains undetermined. This is a pressing humanitarian priority, which requires determined political leadership on both sides in order to find answers for the families who have waited for too long.

52. Violent extremism is a global concern. I note with appreciation the sustained efforts of the Kosovo security agencies to counter this threat. I encourage the Kosovo authorities to ensure that effective law enforcement is accompanied by broad-based social development strategies in order to target the root causes of extremism in society. In all these aspects, the international community should continue to work hand in hand with the authorities, as part of a global effort.

53. I am grateful to my Special Representative, Zahir Tanin, for his leadership, shaping the Mission capacity in order to maximize its benefit for the population of Kosovo and the fulfilment of the mandate. In addition to engaging with leaders in Belgrade and Pristina, he has focused on the regional, municipal and community levels, where the Mission is helping to foster trust and build collaboration across community lines. Initiatives promoting youth cooperation generate confidence in future leadership. Events such as the Global Open Day on Women and Peace and Security reveal the genuine progressive leadership already present today. I am pleased that these initiatives have been well received and that there is the expectation at the community level that UNMIK will continue to engage in similar efforts in the period ahead.

54. I conclude by reiterating my gratitude to the long-standing partners of the United Nations in Kosovo, including KFOR, the European Union and OSCE, and to the United Nations agencies, funds and programmes on the ground for their outstanding teamwork and collaboration with UNMIK.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 January to 15 April 2017

1. Summary

The Kosovo police has seen further improvements in its technical capabilities, operating increasingly independently and requiring mainly strategic support in selective areas. The Religious and Cultural Heritage Unit has developed into a fully operational unit.

Interference in the judiciary remains a source of concern following the suspension of execution of the sentence for a high-profile war crime convict for medical reasons, as well as preferential treatment and political interference in determining the detention conditions of a select group of inmates.

Based on the advice of the European Union Rule of Law Mission (EULEX), the Department for Citizenship, Asylum and Migration of the Ministry of the Interior began to share its information with the Kosovo police, including the International Law Enforcement Coordination Unit. This is a promising development, given that the sharing of information is crucial to prevent serious threats to public security, detect, investigate and prosecute criminal offences and execute criminal penalties.

Another promising development was the launch of the construction of the integrated border management permanent common crossing point at Merdarë/Merdare, to be followed by the construction of five other such crossing points between Kosovo and Serbia.

EULEX made progress in investigations in a number of cases and continued its efforts to bring EULEX cases, which are at various trial stages, to a conclusion.

2. EULEX activities

2.1. Executive

War crimes

On 24 March, a panel of EULEX judges at the Mitrovica Basic Court began a retrial in the case against Oliver Ivanović after a panel of one local judge and two EULEX judges at the Court of Appeals on 16 February partially annulled the judgment by the Basic Court, which had sentenced the defendant to nine years' imprisonment for war crimes.

On 27 March, a EULEX pretrial judge at the Mitrovica Basic Court issued a ruling in which it affirmed the prosecution's application for extension of detention on remand until 27 April, against a defendant extradited from Montenegro and suspected of committing war crimes against civilians.

Organized crime and corruption

On 6 March, a EULEX presiding judge at the Pristina Basic Court extended the detention on remand of three defendants in the *Azem Syla et al* case for two months.

On 9 March, a panel of one local judge and two EULEX judges at the Court of Appeals granted the appeal by a EULEX prosecutor against the decision of the Pristina Basic Court of 28 February and extended by two months the detention on remand of one defendant in an aggravated murder and organized crime case. On 17 March, a panel of one local judge and two EULEX judges at the Basic Court issued a ruling that again replaced detention on remand with house detention. On 31 March, following the EULEX prosecutor's appeal, a panel of one local judge and two EULEX judges at the Court of Appeals annulled the ruling. On 3 April, a panel of one local judge and two EULEX judges at the Basic Court again imposed house detention on the defendant.

Other serious crimes

On 14 February, a panel of EULEX judges at the Mitrovica Basic Court served on the parties a judgment against two defendants following a retrial in the "Zymberi I" case. The case relates to the murder of a Kosovo police officer, Enver Zymberi, in an attack against a police convoy in 2011 in northern Kosovo. Both defendants were found guilty of participation in a group obstructing official persons in the performance of their official duties and were acquitted of all other charges.

On 10 March, a panel of local judges at the Pristina Basic Court released from detention on remand the main defendant in the "Hurricane" terrorism case, although the same court had previously decided to extend the detention until 23 April. A EULEX prosecutor appealed against the decision and, on 23 March, the Court of Appeals issued a ruling reversing the decision, and the defendant was placed back in detention.

On 27 March, a panel of EULEX judges at the Mitrovica Basic Court began the main trial in a criminal case against a defendant charged with causing light bodily injury, causing general danger and unauthorized ownership and possession of a weapon.

Specialist Chambers and Specialist Prosecutor's Office

On 7 February, following the recommendation of an independent selection panel, the EULEX Head of Mission appointed 19 judges to the roster of international judges of the Specialist Chambers. The appointments included the Vice-President and the judges of the Specialist Chamber of the Constitutional Court.

Within a month of taking up her duties in January, the President of the Specialist Chambers, Ekaterina Trendafilova, prepared an initial draft of the rules of procedure and evidence and, following consultations with the respective judges, convened a plenary meeting of judges from 13 to 17 March. At that meeting, the judges adopted the rules of procedure and evidence for the Chambers, the rules on the assignment of Specialist Chambers judges and the code of judicial ethics for judges appointed to the roster of international judges.

The rules of procedure and evidence were referred to the Specialist Chamber of the Constitutional Court on 27 March. The Chamber has up to 30 days to review them to ensure their compliance with chapter II, including article 55, of the Kosovo Constitution.

The Specialist Prosecutor's Office seamlessly continued the work that had been carried out by the Special Investigative Task Force and continues to engage with individuals, injured parties and victim advocacy groups in order to gather evidence and information relevant to investigations. While the Office received satisfactory assistance from judicial and law enforcement authorities in Pristina and Belgrade and beyond during the reporting period, the Specialist Prosecutor looks

forward to greater assistance as the pace and intensity of the work of the Office increase.

Institute of Forensic Medicine

EULEX forensic experts at the Kosovo Institute of Forensic Medicine exhumed the remains of a human body in the village of Lashkobare/Laškobare, Ferizaj/Uroševac region, as well as the remains of five human bodies at the Orthodox Cemetery in Prizren. Identification is pending. The site assessment at the destroyed mosque next to the Mitrovica main bridge resulted in no findings. Three sets of reassociated remains were handed over to the families. EULEX forensic experts continued to make progress in reducing the autopsy and clinical examinations backlog. Two local doctors participated in an online training in forensic anthropology.

Property rights

The Kosovo Property Agency Appeals Panel received 9 new appeals and adjudicated 27 appeals, while 323 appeals are pending a decision of the panel.

The Special Chamber of the Supreme Court for privatization matters rendered 665 decisions in first-instance trial panel cases and finalized 79 cases at the appellate panel level.

2.2. Strengthening

The Kosovo police now possesses the capacity to engage in negotiations with third-party States to provide for bilateral or multilateral agreements. EULEX continues to facilitate and support the Kosovo police regarding its interaction with the European Police Office and the International Criminal Police Organization. The Kosovo Police Division of Specialized Units continues to give an adequate response to all kinds of intervention and is planning a reorganization in order to increase its operational capacities and specific profiling of units to teams for anti-terrorism control and search and rescue, among other things. The Kosovo police quick-reaction teams need further mentoring, monitoring and advice concerning their functionality and adherence to standard operation procedures. Under EULEX guidance and with the support of KFOR, the Kosovo police has developed the Religious and Cultural Heritage Unit into a fully operational unit. There are currently no threats against religious sites under the scope of the Unit.

Its lack of regional offices with investigation functions notwithstanding, the Police Inspectorate of Kosovo increased its investigations in nearly all Kosovo police regional directorates and has gained a level of gender and ethnic balance among its staff, applying equal standards to different ranks of officers and units.

On 19 January, the Prisoner Oversight Committee decided to downgrade a "high-risk" inmate, Sylejman Selimi, convicted of war crimes, to "medium-risk" prisoner status. He will no longer be subject to extra security measures. The decision was taken notwithstanding EULEX advice not to downgrade him, which was conveyed before and during the Committee's meeting.

The suspension of sentences of prisoners on medical grounds remains a recurrent issue with regard to political interference. On 16 February, the Minister of Justice suspended the execution of the sentence against Sabit Geci for medical reasons for three months. He was released the same day. Convicted of war crimes, Geci had been sentenced to serve 15 years and is expected to be released in 2026. He had been classified as a high-risk inmate. The suspension decision was made on the basis of the recommendation of the Acting Director of the Kosovo Correctional

Service and a panel of three doctors. On 15 February, the Minister of Health and the Ministry of Justice appointed a new panel, after two members of the previous panel resigned for personal reasons and the third was dismissed by the Ministry.

On a positive note, the Kosovo Correctional Service staff shows more frequent adherence to the rules and regulations of the Kosovo Correctional Service, the continuing security gaps and breaches notwithstanding. EULEX is providing basic medical training to the Service staff in direct contact with prisoners and has begun to run a series of negotiation trainings on critical incident management. The latter is aimed at strengthening basic knowledge for negotiations in prison crisis situations.

The recruitment process for judges to the Supreme Court, the Court of Appeals and the Basic Courts continues to be a matter of serious concern. The Kosovo Judicial Council requested the verification of 111 candidates and initiated in-depth background checks, a process that is not foreseen in the law or the relevant regulation on the appointment of candidates for judges. Given that no time frame has been established for the verification process, it is envisaged that the appointment process will, in turn, be significantly delayed. It also calls into question the status and the competences, as well as the regulation, of the Kosovo Judicial Council Vetting and Verification Office. That takes place against the backdrop of a decision made by the Council in late 2016 to lower the threshold for passing the written entrance exam for judges in the middle of the recruitment process. As conveyed to the Council by the European Union Special Representative/European Union Office and in coordination with EULEX, that constitutes a breach of the transparency and fairness of the process.

With regard to the Kosovo Judicial Council decision on lowering the threshold for the qualifying test in the middle of the recruitment process for the selection of 61 judges for the basic courts, EULEX provided advice to the Chair of the Council on options to remedy the situation. On 20 February, the options were discussed with representatives of the office of the European Union Special Representative, the European Union Twinning Project, the Embassy of the United States of America, the United States Agency for International Development and the Embassy of the United Kingdom of Great Britain and Northern Ireland at a meeting organized by the Chair.

On 6 March, the Kosovo Judicial Council annulled its previous decision on lowering the threshold, thereby deciding to return the recruitment process to the previous stage, at which the qualifying test was conducted, and to annul all the actions and results that followed thereafter. Consequently, 40 candidates who had been added after the threshold was reduced are now excluded from further participation in the recruitment process. The 75 candidates who originally passed the qualifying test with 45 points or more will continue the selection process, but will have to repeat the written exam. The decision of the Council came in response to heavy criticism by international and local stakeholders regarding the fairness and the objectivity of the selection process. It is expected that affected candidates will seek to challenge the process before the Constitutional Court.

Both the Kosovo Judicial Council and the Kosovo Prosecutorial Council continue to lack adequate capacities and resources to function fully independently. While some progress has been achieved with regard to the latter, both councils still have not fully completed the task of adopting and amending all sub-legal acts (regulations and instructions) stemming from the July 2015 package of laws on judiciary. The Kosovo Judicial Council became almost dysfunctional as a result of power struggles within and outside the Council relating to the selection of court presidents and the selection and promotion procedures for judges. On 27 February, the Assembly of Kosovo elected a new member to the Kosovo Judicial Council from a minority (Bosniak) community, thereby raising the number of current Council

members to 10 and reducing the risk of the Council becoming inquorate (the quorum is 9).

In follow-up to the high-level meetings of the Presidents and Prime Ministers of Kosovo and Serbia in Brussels on 24 January and 6 February, Kosovo approved, on 16 February, all arrangements relating to the finalization of the freedom of movement agreement reached on 14 September 2016, paving the way for the full implementation of all agreed provisions. Also on 16 February, a high-level ceremony was hosted by the Kosovo authorities for the launch of the construction of the integrated border management permanent common crossing point at Merdarë/Merdare. This marks an important milestone in terms of the dialogue between Belgrade and Pristina, and in particular the integrated border management technical protocol of February 2017, and signifies genuine progress in the process supported by EULEX of establishing six such crossing points between Kosovo and Serbia. With regard to the three crossing points to be hosted by Belgrade, there has been only little progress. The construction of the two additional interim common crossing points (Kapi/Sfircës-Kapija/Vrapce and Rajetići/Izvor) is continuing.

The new Systemic Exchange of Electronic Data Technical Group, consisting of representatives of the Belgrade and Pristina customs administrations, in addition to the Systemic Exchange of Electronic Data Technical Group Maintenance Team and EULEX, has been established. Its main objective is to swiftly resolve issues with the clearance of commercial freight at the permanent common crossing points. This is a significant development in terms of dialogue cooperation, given that it will be the first direct communication between the customs representatives of both parties.

On the exchange of information between law enforcement agencies and civilian authorities — specifically the Department for Citizenship, Asylum and Migration and the Civil Registration Agency — from January EULEX has begun to monitor the quality and quantity of data that the Department receives on Kosovo returnees. EULEX identified 26 cases of persons with possible criminal backgrounds and 1 case of a suspected connection to the terrorist organization Islamic State in Iraq and the Levant. On EULEX advice, the Department began to share its information with the Kosovo police and the International Law Enforcement Coordination Unit. In the coming months, EULEX will follow up on the use of these data by other competent administrative and police services (including the Civil Registration Agency, the border police and the Public Safety Department). Information sharing is crucial to prevent indicted persons from changing their names and constitutes a valuable tool for tracking and combating corruption, organized crime, foreign fighter recruitment and terrorism, as well as for supporting and accelerating interoperability between institutions.

3. Other key issues

Nothing significant to report.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

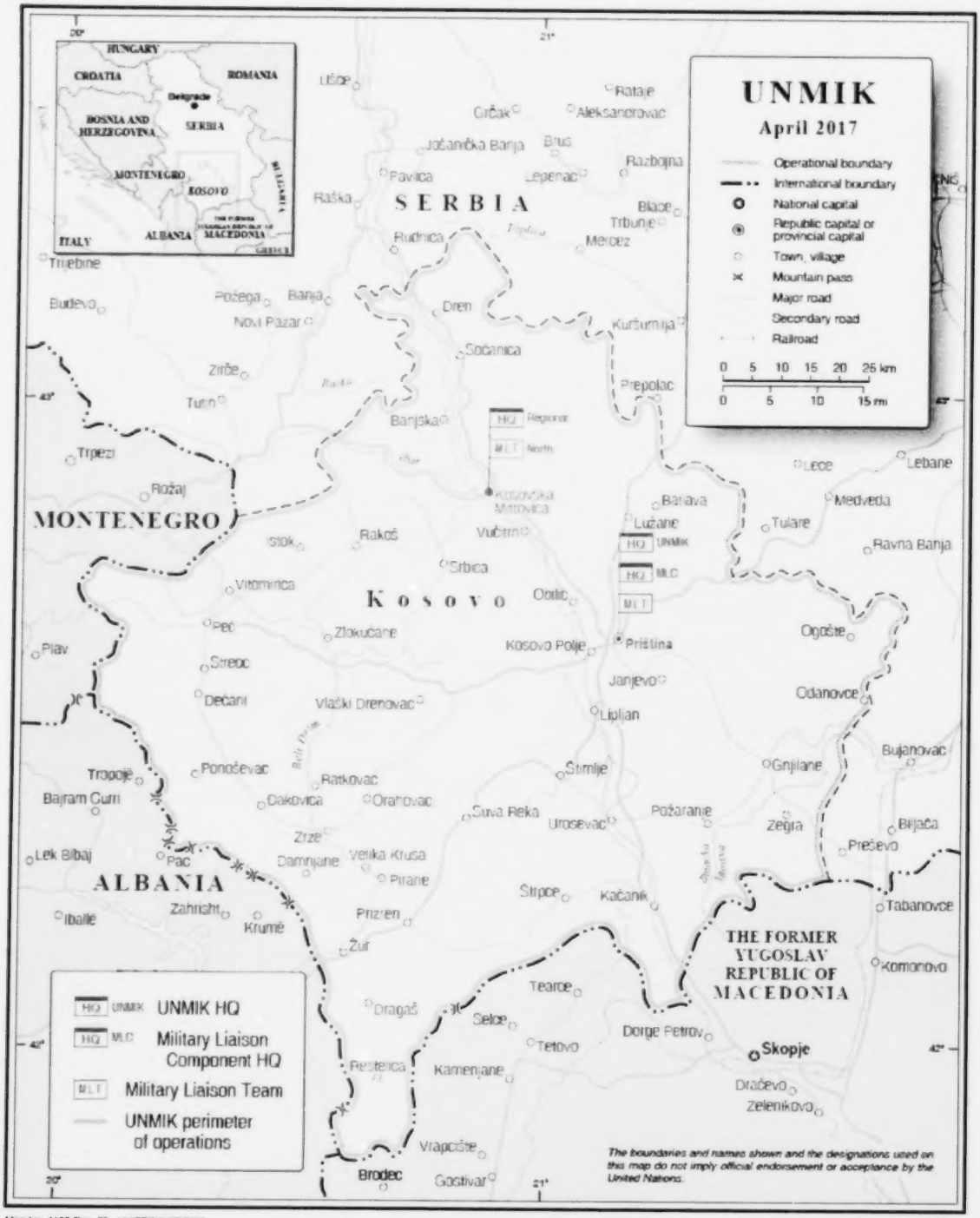
(as at 15 April 2017)

Country	*Number*
Austria	1
Bulgaria	1
Estonia	1
Finland	1
Germany	1
Hungary	2
Italy	1
Russian Federation	1
Total	**9**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 April 2017)

Country	*Number*
Czechia	2
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**



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Department of Field Support
Geospatial Information Section (formerly Cartographic Section)